

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

VEROBLUE FARMS USA, INC.,  
Plaintiff,

v.

LESLIE A. WULF, BRUCE A. HALL, JAMES REA,  
JOHN E. REA, AND KEITH DRIVER,  
Defendants/Third-Party Plaintiffs,

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Civil Action No. 3:19-cv-00764-X

**THIRD-PARTY DEFENDANT ALDER AQUA, LTD.’S  
MOTION TO STRIKE AMENDED THIRD-PARTY COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 14(a)(4), and subject to its Motion to Dismiss under Federal Rule of Civil Procedure 12(b), Third-Party Defendant Alder Aqua, Ltd. (“Alder Aqua”) moves to strike the Amended Third-Party Complaint (Dkt. 186) filed by Defendants/Third-Party Plaintiffs Les Wulf, Ted Rea, James Rea and Bruce Hall (collectively, “Defendants” or “Third-Party Plaintiffs”). Third-party claims are permitted only when the third-party defendants may be liable for all or part of the defendant’s liability to the plaintiff, and such claims typically are for secondary liability through contribution or indemnification. But the third-party claims here are not for secondary liability—they are claims that are entirely separate and independent from the Plaintiff’s claims even if based on some of the same facts. As a result, the Court should strike the Amended Third-Party Complaint in its entirety.

For the foregoing reasons, and as supported by Alder Aqua's accompanying Brief and Appendix, Alder Aqua respectfully requests that this Court strike the Amended Third-Party Complaint (Dkt. 186) in its entirety and grant it any other relief to which it may be entitled.

Dated: December 4, 2019.

Respectfully submitted,

By: /s/ John P. Kincade  
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***ATTORNEYS FOR THIRD-PARTY  
DEFENDANT, ALDER AQUA, LTD.***

**CERTIFICATE OF CONFERENCE**

Pursuant to Northern District of Texas Local Civil Rule 7.1, I certify that I conferred with counsel for Third-Party Plaintiffs Kim Annello on December 3, 2019, and counsel for Third-Party Plaintiffs is opposed to this motion and the relief requested therein.

/s/ Elliot Clark  
One of Counsel

**CERTIFICATE OF SERVICE**

I certify that on December 4, 2019, this document was filed and served via the Court's ECF system and that a copy was sent via electronic mail to all counsel of record for whom the ECF system did not send an automatic Notice of Electronic Filing.

/s/ John P. Kincade  
One of Counsel